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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,784	12/08/2003	Kia Silverbrook	MTB08US	1042
24011 7590 08/01/2008 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET			EXAM	INER
			NGUYEN, LAMSON D	
BALMAIN, 2041 AUSTRALIA			ART UNIT	PAPER NUMBER
			2861	
			MAIL DATE	DELIVERY MODE
			08/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/728,784	SILVERBROOK, KIA	
Examiner	Art Unit	
	Aironn	

6.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:				
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadix, or other avidance, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expires ☐ months from the malling date of the final rejection.  Examinor Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FINAL REJECTION. See MFEP 708.07(1).  Extensions of time may be obtained under 37 CFR 1.198(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee number 37 CFR 1.174(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; (c) as any reduce any examed patent term adjustment. See 37 CFR 1.774(b).  NOTICE OF APPEAL 2.  ☐ The Notice of Appeal was filed on ☐ A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of fling the Notice of Appeal was feed for marker set.  Abstrong the period of Appeal was been filed, any reply must be filed within the time periods of refly in 137 CFR 4.1.37(a).  MENDMENTS  ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ The votice of Appeal (a) and the votice of Appe		The MAILING DATE of this communication appears on the cover si	heet with the correspondence address	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadix, or other avidance, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expires ☐ months from the malling date of the final rejection.  Examinor Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FINAL REJECTION. See MFEP 708.07(1).  Extensions of time may be obtained under 37 CFR 1.198(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee number 37 CFR 1.174(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; (c) as any reduce any examed patent term adjustment. See 37 CFR 1.774(b).  NOTICE OF APPEAL 2.  ☐ The Notice of Appeal was filed on ☐ A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of fling the Notice of Appeal was feed for marker set.  Abstrong the period of Appeal was been filed, any reply must be filed within the time periods of refly in 137 CFR 4.1.37(a).  MENDMENTS  ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ The votice of Appeal (a) and the votice of Appe	THE R	REPLY FILED <u>30 June 2008</u> FAILS TO PLACE THIS APPLICATION IN CONI	DITION FOR ALLOWANCE.	
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examer Note: If box 1 is checked, check cither box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706 (07(f)).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee was forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	1. 🔯 1 6 6 f	The reply was filed after a final rejection, but prior to or on the same day as fili application, applicant must timely file one of the following replies: (1) an amen application in condition for allowance; (2) a Notice of Appeal (with appeal fee) for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply	ing a Notice of Appeal. To avoid abandonment of the indment, affidavit, or other evidence, which places the in compliance with 37 CFR 41.31; or (3) a Request	е
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filled on	a) [	The period for reply expiresmonths from the mailing date of the final reject.  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the no event, however, will the statutory period for reply expire later than SIX MONTHS Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX	he date set forth in the final rejection, whichever is later. In S from the mailing date of the final rejection.	
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s)</li> <li>7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>7. ☐ Interpropose of appeal, the proposed amendment(s): a) ☑ will not be entered. Get and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>7. ☐ Claim(s) objected to:</li> <li>Claim(s) objected to:</li> <li>Claim(s) is greated: 1.20 and 31-40.</li> <li>Claim(s) objected to:</li> <li>Claim(s) rejected: 1.20 and 31-40.</li> <li>Claim(s) rejected: 1.20 and 31-40.</li> <li>Claim(s) r</li></ul>	have be under 3 set fortl may red	ions of time may be obtained under 37 CFR 1.136(a). The date on which the petition usen filed is the date for purposes of determining the period of extension and the correst CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory per hin (b) above, if checked. Any reply received by the Office later than three months afted duce any earned patent term adjustment. See 37 CFR 1.704(b).	ponding amount of the fee. The appropriate extension fee riod for reply originally set in the final Office action; or (2) a	as
3.	2. 🔲 1 f N	The Notice of Appeal was filed on A brief in compliance with 37 CFR 4 filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CF Notice of Appeal has been filed, any reply must be filed within the time period	FR 41.37(e)), to avoid dismissal of the appeal. Since	
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s):  6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	3. (	The proposed amendment(s) filed after a final rejection, but prior to the date of (a) They raise new issues that would require further consideration and/or set(b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal be	earch (see NOTE below);	
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<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>12.  Note the attached Information <i>Disclosure Statement</i>(s). (PTO/SB/08) Paper No(s)</li></ul>	7. 🔯 F 1 ( (	For purposes of appeal, the proposed amendment(s): a) will not be entered to the new or amended claims would be rejected is provided below or appert The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-20 and 31-40.		
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Continuation of 3. NOTE: Amended limitations require additional search and consideration..